Document #4806

9/25/86

Document No. 4806

HOUSING AND EMPLOYMENT AGREEMENT

AGREEMENT by and between Jaymont (U.S.A.) Incorporated, a Delaware corporation, (the "Developer") and the BOSTON REDEVELOPMENT AUTHORITY (the "Authority"), a body politic and corporate created pursuant to Chapter 652 of the Acts of 1960, made this 25th day of September, 1986.

WHEREAS, the Developer proposes to construct 21 Custom House Street, a 10 story office project with ground level retail and accessory parking uses, in the Custom House District (the "Project").

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained the parties agree as follows:

1. The Authority acknowledges that with respect to the Project the Developer has satisfied the first stage of submissions required by the Authority's Development Review Procedures which relates to Schematic Design Plans and that said Schematic Design Plans for the Project have been approved by the Director as evidenced by the letter attached as Exhibit A. The Project is subject to the Development Review Procedures as attached here as Exhibit B.

2. The Authority will cooperate fully with the Developer in efforts a) to obtain the granting of the conditional use permits and variances necessary to undertake the Project in accordance with the Authority's vote of September 25, 1986, and b) to obtain other state and municipal approvals and permits which are necessary to complete the Project as approved by the Authority. The Authority does not guarantee the grant or issuance of any such approvals or permits.

3. Upon issuance of a full building permit for the Project and commencement of construction thereunder the Developer shall pay to the Authority the sum of two hundred and twenty-five thousand dollars ($225,000.00) to be held in escrow by the Authority for the benefit of "Friends of the Homeless", or such other non-profit organization established to provide shelter or other services to the homeless in Boston (the "Voluntary Grant").

4. The Developer shall submit a Boston Residents Construction Employment Plan (the "Plan") to the Director of the Authority, which Plan shall set forth in detail the Developer's plans to ensure that its contractor, and those engaged by said contractor for construction of the Project, shall meet the following Standards on a craft by craft basis: (a) at least fifty percent (50%) of the total

employee worker hours in each trade shall be by bona fide Boston residents; (b) at least twenty-five percent (25%) of the total employee worker hours in each trade shall be by minorities; and (c) at least ten percent (10%) of the total employee worker hours in each trade shall be by women. The Developer shall include in the Plan provisions for monitoring, compliance and sanctions. The Developer shall submit a Plan satisfactory to the Director within thirty (30) days of the execution of this Agreement or in no case later than prior to the issuance of a building permit for the Project, whichever occurs sooner. Employee worker hours shall include hours spent in on-the-job training and apprenticeship positions.

5. If the parties agree to amend this Agreement, such amendment shall be in writing and executed by parties hereto. This Agreement shall be governed by the laws of The Commonwealth of Massachusetts, and sets forth the entire agreement between the parties with respect to the subject matter contained herein. This Agreement is binding and enforceable under contract law upon, and inures to the benefits of the parties, their successors, assigns, and legal representatives.

6. If a full building permit is not granted for the Project, or if construction of the Project is not commenced pursuant to the granting of a full building permit, then the Developer shall have no responsibility for the Voluntary Grant with respect to the Project.

7. The Authority agrees to look solely to the interests from time to time in the Project that are subject to this Agreement, whether owned by the Applicant or its successors or assigns, as the case may be, for any claim against the Applicant or its successors arising under this Agreement. Neither the Developer nor any trustee, beneficiary, partner, stockholder, manager, officer, director, agent or employee of the Developer or its successors and assigns shall be personally or individually liable under this Agreement, nor shall it or they be liable beyond the extent of its or their interest in such Project.

8. All notices under this Agreement must be in writing and delivered in hand or mailed, postage prepaid, by registered or certified mail, return receipt requested, to the parties at the following addresses:

Authority:	Boston Redevelopment Authority Director's Office City Hall Square Boston, MA 02201
With copies to:	Boston Redevelopment Authority Chief General Counsel City Hall Square Boston, MA 02201
Developer:	Jaymont (U.S.A.) Incorporated 260 Franklin Street Boston, MA 02110
With copies to:	Myrna Putziger, P.C. McCormack & Putziger 265 Franklin Street Boston, MA 02110

or to such other address as maybe specitied by a party by notice given in accordance with paragraph 9.

9. If there shall hereafter be imposed by the City of Boston any contribution, assessment, levy, excise or tax upon the Project, the proceeds of which are dedicated, in whole or in part to the establishment of a fund for purposes substantially similar to the purposes recited in this Agreement to which the Voluntary Grant is to be dedicated, amounts payable hereunder by the Developer shall be credited against such contribution, assessment, levy, excise or tax; provided however, that if such crediting shall not be legally permissible to satisfy payment of such contribution, assessment, levy, tax or excise, the obligations of the Developer hereunder, to the extent of the amount of such contribution, assessment, levy, tax or excise shall cease and be of no further force and effect.

Approved as to Form:

_____
Chief General Counsel

BOSTON REDEVELOPMENT AUTHORITY

By:_____
Stephen Coyle, Director

JAYMONT (U.S.A.) INCORPORATED

By:_____
Richard E. Eichhorn,
Vice President

BOSTON
REDEVELOPMENT
AUTHORITY

One City Hall Square
Boston, MA 02201
(617) 722-4300

EXHIBIT A

May 8, 1986

Mr. Dudley Malone
Jaymont Properties, Inc.
260 Franklin Street
Suite 2250
Boston, MA 02110

Re: 20-21 Custom House Street

Dear Mr. Malone:

We are pleased to grant conditional schematic design approval on the 20 and 21 Custom House Street projects. This approval is based on the drawings and outline specifications prepared by Bruner/Cott & Associates, Inc., and titled, "Milk and Broad Street Development." A list of dated drawings (Attachment A) is enclosed to reference the record documents in our files.

Approval is contingent upon the following two conditions:

1) Inclusion of street lighting on all improved sidewalks and street trees along India and Broad Streets;

2) Further study and revision of the elevation and roof profile of 20 Custom House Street at the corner of India Street;

The multiple facets of this project have progressed very well during preschematic discussions. It is an excellent combination of historic preservation and new building design which complements and enhances the traditional sense of place in the Custom House District.

Sincerely,

Stephen Coyle
Director

Attachment

UD5/a

ATTACHMENT A

Mr. Dudley Malone
May 8, 1986

Schematic Design: Conditionally Approved

20-21 Custom House Street
Boston, MA

Developer: Jaymont Properties, Inc.
260 Franklin Street
Suite 2250
Boston, MA 02110
Attn: Mr. Dudley Malone

Architect: Bruner/Cott & Associates, Inc.
75 Cambridge Parkway
Cambridge, MA 02142
Attn: Mr. Leland Cott

Documents Received 1 April 1986
Titled: "Milk and Broad Street Development"

Drawing	Title	Date
Bulfinch Buildings		
None	Floor Plans	2/5/86
None	Broad Street Elevation	2/5/86
None	Custom House Street Elevation	2/5/86
None	Sections	2/5/86
Custom House Street Buildings		
1	Neighborhood Plan	2/26/86
2	Site Plan	April 1986
3	Site Details	April 1986
4	Parking Level Plan (Note: second level parking below - similar)	2/26/86
5	Ground Floor Plan	2/26/86
6	Typical Lower Level Plan	2/26/86
7	Typical Upper Level Plan	2/26/86
8	Penthouse Plan	2/26/86
9	Roof Plan	2/26/86
10	Elevations	2/26/86
11	Elevations	2/26/86

EXHIBIT B

DEVELOPMENT REVIEW PROCEDURES

CITY OF BOSTON
Raymond L. Flynn, Mayor

BOSTON REDEVELOPMENT AUTHORITY
Robert L. Farrell, Chairman
Joseph J. Walsh, Vice-Chairman
James K. Flaherty, Treasurer
Clarence J. Jones, Vice-Treasurer
Michael F. Donlan, Member
Kane Simonian, Secretary
Stephen Coyle, Director

1985, Revised 1986

TABLE OF CONTENTS

	Page
Introduction	1
Development Review Procedures	2
BRA Review Authority	5
Submission Requirements	9
Fees	22
Appendices	23

Appendix 1: Sample Pro Formas
Appendix 2: Fair Housing Requirements
Appendix 3: Boston Jobs Policy
Appendix 4: MEPA Review Authority

INTRODUCTION

As the city's planning and development agency, the Boston Redevelopment Authority (BRA) functions as a coordinator for development projects and has direct responsibility for reviewing development proposals. The BRA's review authority covers a wide range of projects. Projects may require zoning review initiated by a request for a building or occupancy permit from the Inspectional Services Department (ISD), review of financing mechanisms such as Chapter 121A, Commercial Area Revitalization Districts (CARDs), and Urban Development Action Grants (UDAGs), and review of proposals for publicly owned land.

The BRA reviews proposals for their overall viability and expected benefits to the city. Review criteria may vary depending on location, type, and size of the project. Design criteria include specifications for building height, massing, materials, and other guidelines to preserve Boston's history and character. Environmental concerns which are assessed include a project's impacts on sunlight, daylight, wind, groundwater, and air and water quality, both during construction and upon completion. Effects on surrounding neighborhoods, displacement, and community participation are also considered in the review process. Transportation review is concerned with the impacts of additional traffic, parking and loading, and examines proposed changes to rights-of-way or physical changes, encroachments on public space, curb cuts, and requirements of the Boston Air Pollution Control Commission, if applicable. Review criteria are included in the Zoning Code and planning documents.

This booklet outlines the BRA's review process, describes the sources which initiate the BRA's various review functions, outlines the stages of its review, and provides a comprehensive list of submission requirements and development review fees. Projects vary in size and complexity; therefore not all requirements are appropriate to all projects. For example, requests for zoning actions to construct a three-unit dwelling require a review quite different than that for a multi-story commercial project. The extent of the review is defined at an initial meeting between the developer and BRA staff.

Before construction on any project commences, a building permit must be obtained from ISD which is responsible for enforcing the Zoning Code, the Massachusetts State Building Code, and other laws and ordinances relating to building construction and occupancy.

The Massachusetts Environmental Policy Act (MEPA) requires a state review of certain projects to evaluate their environmental impacts. Because MEPA applies to a number of projects which undergo BRA reviews, MEPA's authority and procedures are outlined in Appendix 4.

BRA DEVELOPMENT REVIEW PROCEDURES

To evaluate the quality and appropriateness of a proposal based on objectives stated in plans, guidelines, and regulations governing development in Boston, the Boston Redevelopment Authority conducts a four-stage review process. This review is conducted by BRA staff from its design, development, planning, transportation, environmental, zoning, and engineering departments. The staff is assisted on a project by project basis by citizen advisory groups, the Boston Civic Design Commission, professional associations, and other constituencies. The time-frame for development review and the sequence of phasing may vary depending on the complexity of the project.

Concurrent with the design review of a project and prior to project approval, developers may be required to formulate (1) an access plan which outlines how adverse traffic impacts will be mitigated; (2) an affirmative housing plan; and (3) an employment plan. The submission materials and circumstances under which such plans are required are outlined in the following section entitled "Submission Requirements".

Step One: DEVELOPMENT CONCEPT

Projects are either privately or publicly initiated and the first step in development review varies accordingly. For a privately initiated project, the developer contacts the BRA with a letter of interest which briefly describes the project. The BRA meets with the developer to discuss the development concept, government regulations and procedures, and submission requirements appropriate to the project from the comprehensive list included in this document.

Publicly initiated projects include the disposition or leasing of city- or BRA-owned property which, because of size and location, require development review by the BRA. At the request of the city for city-owned property or at its own behest for BRA-owned property, the BRA may prepare a developer's kit for a specific site, outlining the development concept and guidelines. A request for proposals to develop the site is usually publicly advertised. The applicants are interviewed and the proposals are reviewed by the BRA. For projects proposed in a neighborhood setting, community representatives are notified. Based on the evaluation, the BRA grants tentative designation to a developer for BRA-owned property, or for city-owned property recommends a developer to the Real Property Board or Public Facilities Commission. From this point on, publicly and privately initiated projects follow similar review procedures. In some cases for BRA-owned property, tentative designations will not be made until after schematic review.

Step Two: SCHEMATIC REVIEW

This review is intended to secure agreement on and approval of the basic development concept prior to extensive design development. At this stage, the developer submits schematic project materials requested by the BRA. BRA staff reviews the proposal and recommends revisions. The schematic design is subject to environmental review to determine

microclimate and other impacts, and, if necessary, the project is changed to mitigate adverse impacts. During the schematic stage, various environmental impacts will be assessed, especially traffic, wind, sunlight and daylight. For large-scale projects, a draft environmental impact assessment report may be required. Simultaneously, the Boston Civic Design Commission (BCDC) reviews schematic designs to make recommendations to the Mayor and the BRA as to the Commission's approval, need for modification or further review, or disapproval of the plans. If two-thirds of the Commission votes to disapprove of the schematic design, a redesign is required. Acceptance by BRA staff and BCDC of the schematic design initiates the next stage of review.

Step Three: DESIGN DEVELOPMENT

The third phase of review is intended to secure agreement on and approval of the final design prior to extensive and detailed work on the working drawings. At this stage, financing mechanisms are refined. Applications for government subsidy programs are prepared for publicly supported projects. ISD staff shall join in the review process at this stage.

The developer submits design development materials as requested by the BRA and ISD. The materials are reviewed by BRA and ISD staff and, if necessary, modifications are requested. A final environmental review is conducted and a final environmental impact assessment report may be required.

At this stage, the BRA Board acts on development proposals to recommend appropriate zoning actions to the Zoning Commission and Board of Appeal, and to designate or recommend developers for public property. The public is invited to comment on projects. Based on BRA and ISD staff analyses and public comments, the Board recommends appropriate actions to other government entities and/or grants final designation of developers for BRA property. The timing of BRA Board actions with respect to the final designation of developers may vary. If final designation precedes any aspect of review, the developer is nonetheless bound to complete all requirements prior to the BRA's approval of contract documents.

The Zoning Commission and Board of Appeal consider the BRA's recommendations in their decisions. The Board of Appeal may condition its approval of a requested zoning action on final design review by the BRA. (Zoning Procedures, a booklet which complements this one, outlines the stages of zoning review.)

Step Four: CONTRACT DOCUMENTS

Prior to the issuance of a building permit by the Inspectional Services Department, the BRA and ISD review final working drawings and the selection of all building materials visible to the public. This review is intended to secure final agreement on and approval of the contract documents and the complete proposal.

During preparation of the contract documents, it is the developer's responsibility to notify the Authority and secure its approval of all changes from the approved design development drawings that are contemplated for site improvements, exterior facades, roofscape and interior public spaces. Progress drawings representing 50% completion of the contract documents may be required for review by the Authority.

Once contract documents have been approved and construction has begun, the only items subject to additional review will be requests for change orders in the construction. The developer must request permission to make changes from approved drawings, which may not be undertaken until such approval has been obtained from the BRA and ISD. Site visits may be conducted to ensure construction of the project is in accordance with the contract documents. After review of the project by BRA staff, a certificate of completion will be approved by the Board, certifying that the project has been completed according to the terms of the Authority's tentative and final designations. A Certificate of Occupancy must be obtained from ISD prior to occupancy of the building.

BRA REVIEW AUTHORITY

A project may require BRA review for three reasons: a request for a building or occupancy permit that requires zoning relief, the use of financing mechanisms, or the leasing or disposition of public property. One or more of these reasons may be applicable to an individual project and will initiate review by the Authority.

1. ZONING REVIEW

Zoning review is initiated by a request for a building or occupancy permit. If the application complies with the Building and Zoning Codes and with other city requirements, a permit is issued by ISD. If a project plan does not comply with the Zoning Code, permission to deviate from the Code may be sought by an exception, variance, conditional use permit from the Board of Appeal after a formal letter of refusal is obtained from ISD. Following BRA staff review and Board recommendation, the Board of Appeal holds a public hearing and the zoning variance or conditional use permit may be approved.

Zoning Variances and Conditional Use Permits

To obtain a variance an applicant must demonstrate that special circumstances exist which make a property different from others in the district. The Zoning Code specifies which uses are conditional, as opposed to those which are specifically allowed or forbidden in a district. The applicant obtains a conditional use permit by demonstrating that the proposed use is suitable for its location and will not have a detrimental effect on the surrounding areas.

Special Zoning Designations

The Zoning Code defines several categories of special purpose overlay districts which include Planned Development Areas (PDAs) and Urban Renewal Areas (URAs) and Interim Planning Overlay Districts (IPODs). In these districts, the regulations specified for the base district apply, except when they are in conflict with the special regulations for a particular overlay district which then requires a special zoning designation. Special zoning designations require a zoning amendment in addition to other procedures and can be sought for PDAs and URAs.

- Planned Development Areas

  PDA designation may be obtained for a project on a site of at least one acre. To effectuate a PDA designation, the BRA must approve a development plan, the Zoning Commission must adopt a map amendment, and the Board of Appeal must grant exceptions to the Zoning Code.

- Urban Renewal Subdistricts

  An urban renewal subdistrict designation is only allowed within an already approved urban renewal project area. It is available only after the BRA is assured the proposal's zoning map amendment conforms with the area's urban renewal plan and with the specific requirements for development of the particular subdistrict.

- o Interim Planning Overlay Districts

  An Interim Planning Overlay District is a zoning mechanism used to control development while changes to the Zoning Code are being reviewed and debated. IPODs will prohibit the construction of new buildings inconsistent with the proposed Zoning Code changes.

  The interim overlay zoning stays in place for only a limited time. If, during the interim period, the original zoning is changed, then the new zoning will control development at the end of the interim period. If no change occurs, the zoning reverts to the previously existing zoning.

Development Impact Projects

A request for a variance, conditional use permit, exception, and zoning map or text amendment triggers the need for Development Impact Project approval if the project is 100,000 square feet or more of commercial space. Developers of such projects are required to make a development impact payment to the Neighborhood Housing Trust or to contribute to the creation of low and moderate-income housing in the city.

Development Impact Project (DIP) Plans must be submitted to the BRA for staff review, and subsequently presented to the BRA Board at a public hearing. If the Board approves the plans, the developer enters into a Development Impact Project Exaction Agreement with the BRA. Under the requirements of the city's Zoning Code, the Board of Appeal and the Zoning Commission can not approve a project until the Authority certifies that a DIP Agreement has been executed.

2. REVIEW OF FINANCING MECHANISMS

The BRA has review authority for three types of financing mechanisms to be used to allow developments which provide public benefits to the city. These financing mechanisms include Chapter 121A, Commercial Area Revitalization Districts (CARDs), and Urban Development Action Grants (UDAGs).

Chapter 121A

Under M.G.L., Chapter 121A and Chapter 652 of the Acts of 1960, the BRA, with the approval of the Mayor, has the power to approve applications for the formation of non-profit, limited dividend or cooperative entities for the purpose of redevelopment in a blighted, open, decadent or substandard area. Chapter 121A essentially offers a tax incentive to build in a blighted area.

Chapter 121A provides for 15 years exemption from taxation on real and personal property. The corporation instead pays a Section 10 excise tax of 5 percent of gross income and $10 per $1000 of fair cash valuation to the Commonwealth of Massachusetts. Section 6A payments agreed upon by the corporation and the city are paid directly to the city. Following a BRA staff review, public hearing, and BRA Board approval, the application goes to the Mayor for approval.

Commercial Area Revitalization District

The BRA is responsible for administering the state-assisted grant program, Commercial Area Revitalization District (CARD). Through the CARD program, economic development incentives are made available to commercial and industrial enterprises for development projects and the leasing of new facilities.

To be eligible, a development project or leasing program must be located in a CARD. A CARD may be located in either neighborhoods or the downtown core. The incentives for commercial enterprises to locate in a CARD include below market interest rate Industrial Revenue Bonds, mortgage insurance on a portion of the total project financing, and a net income deduction and tax credit to be applied to state corporate excise taxes which are owed by a commercial enterprise certified as an eligible business facility by the State Job Incentive Bureau.

As the city planning agency, the BRA conducts a financial analysis to determine if the project requires an Industrial Revenue Bond to be economically feasible and if it fits into the CARD plan. Following staff review and approval, a letter of approval is sent to the Boston Industrial Development Finance Agency which issues and approves the Industrial Revenue Bond.

Urban Development Action Grants

An Urban Development Action Grants (UDAG) is a financing mechanism which assist developments requiring public assistance by supplementing the private investment. UDAGs are primarily used for leveraging private investment and job creation. To be eligible for a UDAG, the project must have definitive financial commitment by a private investor and must include housing and community development or economic activity. City of Boston policy stipulates that UDAG funds are made as loans rather than grants. The loan repayments are used for neighborhood economic development projects throughout the city.

The BRA plays a strong role in UDAGs in design and environmental review and the preparation of the UDAG proposal. The City Council gives final approval, prior to the Department of Housing and Urban Development submission.

3. REVIEW FOR THE LEASING AND DISPOSITION OF PUBLIC PROPERTY

The selling or leasing of public property may initiate development review by the BRA. For certain BRA and city-owned parcels, the BRA prepares developer kits which outline design and development guidelines. To formulate guidelines for some parcels, the BRA seeks the assistance of community groups and the Boston Society of Architects. The BRA then makes a request for proposals and reviews the submissions received. A tentative designation is recommended for the most appropriate proposal. The proposal is then subject to the extensive review process described on pages 2-4, similar to that of privately-initiated projects. At its completion, the developer is granted final designation.

SUBMISSION REQUIREMENTS

Following is a comprehensive list of BRA submission requirements. Developers of large projects, typically those greater than 100,000 square feet in size, would be required to provide much of this information. Smaller proposals would provide only the information appropriate to their context and complexity, as defined by the BRA. Financing mechanisms, such as Chapter 121A, CARD, and UDAG programs, have additional requirements which are defined in other booklets. ISD requirements may be obtained from that department.

In addition to full-size scale drawings, 5 copies of a bound booklet containing all submission materials reduced to size 8½ x 11, except where otherwise specified, are required. For projects to be reviewed by the Boston Civic Design Commission, 10 booklets containing the applicant information and the design submission materials are required.

I. Applicant Information

A. Development Team

1. Names

a. Developer (including description of development or Chapter 121A entity)

b. Attorney

c. Project consultants

2. Business address and telephone number for each

3. Designated contact for each

4. Description of current or formerly-owned developments in Boston

B. Legal Information

1. Legal judgements or actions pending concerning the proposed project

2. History of tax arrears on property owned in Boston by development team

3. Property Title Report including current ownership and purchase options of all parcels in the development site

II. Financial Information
(See Appendix 1 for sample forms.)

A. Full disclosure of names and addresses of all financially involved participants and bank references

B. Nature of agreements for securing parcels not owned by prospective developer

C. Development Pro Forma

D. Operating Pro Forma

E. Sales Pro Forma

F. Additional financial information pertinent to Chapter 121A, CARD, and UDAG applications

III. Project Area

A. Description of metes and bounds of project area

B. For Chapter 121A, CARD, UDAG, statements of fact establishing the need and rationale for such a designation (as required in their procedures)

IV. Relocation Information

A. Statement by applicant concerning applicability to project of any Federal or State Relocation Regulations, and Citation of Regulations believed applicable

B. If Chapter 121A, 121B or Chapter 79A is applicable then a statement is required that relocation information and relocation plan will be submitted under separate cover in accordance with Chapter 121A, 121B or Chapter 79A requirements.

C. For projects not covered by federal or state programs containing relocation regulations, the following information:

1. Number of units in building(s) to be demolished or vacated

2. Number of occupied units, by type, per building

3. Tenure of occupants (owner/tenant/sub-tenant)

4. Name and address of each occupant (owner or prime tenant)

5. Information on size and monthly costs:

a. Residential unit - number of rooms, bedrooms, and monthly rent, indicating included utilities

b. Non-residential - gross square feet of area, number of floors, including ground floors and monthly rent, indicating included utilities

6. Length of occupancy of current occupant in unit (and building if greater)

7. Estimate of the total number of small businesses

8. Number, if any, of minority households or businesses displaced

9. Net increase or decrease in number of units:

   a. Total number of housing units proposed

   b. Reduction in rent controlled units

V. Project Design

A. Phase I Submission: Project Schematics

1. Written description of program elements and space allocation for each element

2. Neighborhood plan and sections at an appropriate scale (1" = 50' or larger) showing relationships of the proposed project to the neighborhood's:

   a. massing

   b. building height

   c. scaling elements

   d. open space

   e. major topographic features

   f. pedestrian and vehicular circulation

   g. land use

3. Black and white 8"x10" photographs of the site and neighborhood

4. Sketches and diagrams to clarify design issues and massing options

5. Eye-level perspective (reproducible line drawings) showing the proposal in the context of the surrounding area

6. Aerial views of the project

7. Site sections at 1" = 20' or larger showing relationships to adjacent buildings and spaces

8. Site plan at an appropriate scale (1" = 20' or larger) showing:

   a. General relationships of proposed and existing adjacent buildings and open space

   b. Open spaces defined by buildings on adjacent parcels and across streets

c. General location of pedestrian ways, driveways, parking, service areas, streets, and major landscape features

d. Pedestrian, handicapped, vehicular and service access and flow through the parcel and to adjacent areas

e. Survey information, such as existing elevations, benchmarks, and utilities

f. Phasing possibilities

g. Construction limits

9. Massing model at 1" = 100' for use in the Authority's downtown base model.

10. Drawings at an appropriate scale (e.g., 1" = 8') describing architectural massing, facade design and proposed materials including:

a. Building and site improvement plans

b. Elevations in the context of the surrounding area

c. Sections showing organization of functions and spaces

11. Preliminary building plans showing ground floor and typical upper floor(s)

12. Proposed schedule for submission of design development materials

B. Phase II Submission: Design Development

1. Revised written description of project

2. Revised site sections

3. Revised site plan showing:

a. Relationship of the proposed building and open space to existing adjacent buildings, open spaces, streets, and buildings and open spaces across streets

b. Proposed site improvements and amenities including paving, landscaping, lighting and street furniture

c. Building and site dimensions, including setbacks and other dimensions subject to zoning requirements

d. Any site improvements or areas proposed to be developed by some other party (including identification of responsible party)

e. Proposed site grading, including typical existing and proposed grades at parcel lines

4. Dimensioned drawings at an appropriate scale (e.g., 1" = 8') developed from approved schematic design drawings which reflect the impact of proposed structural and mechanical systems on the appearance of exterior facades, interior public spaces, and roofscape including:

   a. Building plans

   b. Preliminary structural drawings

   c. Preliminary mechanical drawings

   d. Sections

   e. Elevations showing the project in the context of the surrounding area as required by the Authority to illustrate relationships or character, scale and materials

5. Large-scale (e.g., 3/4" = 1'-0") typical exterior wall sections, elevations and details sufficient to describe specific architectural components and methods of their assembly

6. Outline specifications of all materials for site improvements, exterior facades, roofscape, and interior public spaces

7. A study model at an appropriate scale (e.g., 1" = 16', or as determined after review of schematic design) showing refinements of facade design

8. Eye-level perspective drawings showing the project in the context of the surrounding area

9. Samples of all proposed exterior materials

10. Complete photo documentation (35 mm color slides) of above components including major changes from initial submission to project approval

C. Phase III Submission: Contract Documents

1. Final written description of project

2. A site plan showing all site development and landscape details for lighting, paving, planting, street furniture, utilities, grading, drainage, access, service, and parking

3. Complete architectural and engineering drawings and specifications

4. Full-size assemblies (at the project site) of exterior materials and details of construction

5. Eye-level perspective drawings or presentation model that accurately represents the project, and a rendered site plan showing all adjacent existing and proposed structures, streets and site improvements

6. Site and building plan at 1" = 100' for Authority's use in updating its 1" = 100' photogrammetric map sheets

D. Phase IV Submission: Construction Inspection

1. All contract addenda, proposed change orders, and other modifications and revisions of approved contract documents which affect site improvements, exterior facades, roofscape, and interior public spaces shall be submitted to the Authority prior to taking effect.

2. Shop drawings of architectural components which differ from or were not fully described in contract documents

VI. BRA Environmental Impact Assessment

Whether or not a project comes within the purview of the Massachusetts Environmental Policy Act review requirements, the BRA may request all or several of the environmental analyses listed below. The extent of analyses required depends on the size, location, and complexity of the project.

A. Transportation Impacts/Access Plan

1. Parking

a. Number of spaces provided indicating public and private allocation

b. Reduction in parking from previous use of site

c. Proposal's impact on demand for parking

d. Parking plan, including layout, access, and size of spaces

e. Evidence of compliance with City of Boston parking freeze requirements

2. Loading

a. Number of docks

b. Location and dimension of docks

3. Access

a. Size and maneuvering space on-site or in public right-of-way

b. Access, curb cuts, and/or sidewalk changes required

4. Vehicular Traffic

   a. Project vehicular traffic demand and generation (daily and peak-hours) and distribution

   b. Circulation and access impacts on the local and regional street system and local intersections (traffic impact area), including capacity and level-of-service analyses

   c. Modal split and vehicle occupancy analysis

5. Public Transportation

   a. Location and availability of public transportation facilities

   b. Usage and capacity of existing system

   c. Peak-hour demand and capacity analysis

   d. Measures to encourage use of public transportation

6. Pedestrian Circulation

   a. Demand and capacity analysis on project area sidewalks

   b. Connections to public transportation station stops

   c. Effect on pedestrian flows of project parking and servicing entrances and exits

7. Access Plan

   a. Measures to manage parking demand and optimize use of available parking spaces, including:

      - o Proposed rate structures(s)
      - o Ride-sharing incentives and information dissemination
      - o Set-asides for high-occupancy-vehicles: number and location
      - o Set-asides for after morning commuter peak (usually 9:30 or 10:00 a.m.)

   b. Measures to encourage public transportation use, including:

      - o Mass transit information dissemination
      - o MBTA pass sales and subsidies
      - o Direct station links or pedestrian connections

c. Measures to reduce peaking, including:

- o Encouragement of flexible work hours
- o Restrictions on service and good deliveries

d. Measures to mitigate construction impacts, including:

- o Time and routes of truck movements
- o Storage of materials and equipment
- o Worker parking and commuting plan

e. Monitoring and reporting measures

B. Wind

Information on pedestrian level winds is required during the schematic design stage for build and no-build conditions. Wind tunnel testing will be required for:

a. Any building higher than 150 feet

b. Any building 100 feet high and two times higher than the adjacent buildings

c. Other buildings which fall below these thresholds, but because of their context and particular circumstances would require wind tunnel testing

Particular attention shall be given to public and other areas of pedestrian use (sidewalks, plazas, building entrances, etc.) adjacent to and in the vicinity of the project site.

1. Wind tunnel testing is to be conducted in two stages - Stage I Qualitative Study and Stage II Hot Wire Testing. For Stage I, an erosion study (or equivalent methodology) must be conducted to determine potential problem areas and to identify appropriate placement of sensors for hot wire testing.

2. Wind tunnel testing should be conducted according to the following criteria:

a. Results of wind tunnel testing should be consistently presented in miles per hour (mph).

b. Velocities should be measured at a scale equivalent to 6 feet above ground level.

c. The instrument should have a frequency response that is flat to 100 hertz and filters out any higher frequency (hot wire testing).

d. The expected one percent occurrence of hourly average, effective gust, and peak gust velocities should be reported (hot wire testing).

e. Erosion study data shall be presented in tabular form and graphically through photographs showing changes between build and no-build conditions.

1. Wind directions from the sixteen compass points shall be used noting the percent or probability of occurrence of each direction on a seasonal and annual basis.

2. Wind velocities for each direction shall include the intervals: 0-15 mph and every 5 mph interval from 15 to 40 mph inclusive.

3. For each ground station tested, data shall include, in addition to the annualized 1% occurrence of wind speeds, the 1% wind velocities for each of the four seasons of the year and the percentile contribution of the 1% wind velocity from each of the 16 wind directions.

f. Hot wire data shall be presented both in tabular form and graphically on a map to indicate velocity changes between build and no-build conditions.

1. The effective gust velocity can be computed by the formula: average hourly velocity plus 1.5 x root mean square (rms) variations about the average.

2. Analysis should be presented as follows:

a. Present data for existing (no-build) and future build scenarios as follows:
Mean velocity (exceeded 1% of time)
Effective gust velocity (exceeded 1% of time)

b. Compare mean and effective gust wind speeds on both annual and seasonal basis, by wind direction.

c. Provide a written descriptive analysis of wind environment and impacts for each sensor point including such items as source of winds, direction, seasonal variations, etc., as applicable. Include analysis of suitability of location for various activities (e.g., walking, sitting, eating, etc.) as appropriate.

d. Provide maps of sensor locations with wind speed data, graphically indicating changes in wind speeds.

3. For areas where wind speeds are projected to exceed acceptable levels, measures to reduce wind speeds and mitigate potential adverse impact shall be identified.

C. Shadow (Information should be provided during the schematic design stage.)

1. Shadow analysis plans should be submitted at a scale of 1' = 40' and 1" = 100'.

2. Shadow impact analysis must include net new shadows as well as existing shadows.

3. Initial shadow analyses must include shadow impacts for build and no-build conditions for the hours 9:00 a.m., 12:00 noon, and 3:00 p.m. conducted for four periods of the year at the vernal equinox, autumnal equinox, winter solstice, and summer solstice.

4. Shadow analyses also are to be conducted at 10:00 a.m., 11:00 a.m., 12:00 noon, 1:00 p.m., and 2:00 p.m. on October 21 and November 21, and must show the incremental effects of the proposed massing on proposed or existing public spaces including major pedestrian areas.

5. Additional shadow analyses may be required depending on the particular physical characteristics of the site including its solar orientation relative to public open spaces, pedestrian patterns and street patterns, and existing shadows in the area.

D. Daylight (Information should be provided during the schematic design stage.)

1. Daylight analysis for build and no-build should be conducted by measuring the percentage of skydome that is obstructed by a building.

a. Specific technique and graphic methodologies required for determining percent of obstructed skydome will be provided by the BRA.

E. Excavation and Landfill

1. Written description including amount and method of excavation, dredging and filling proposed, and the existence of blasting and pile driving

2. Analysis of sub-soil conditions, potential for ground movement and settlement during excavation, and impact on adjacent buildings and utility lines

F. Groundwater

1. List of measures used to ensure the groundwater levels will not be lowered during or after construction, if applicable

2. Engineering analysis of the impact of development on groundwater, surrounding structures, wooden piles and foundations

G. Solid and Hazardous Wastes/Materials

1. A list of any known or potential contaminants on site together with evidence of the recording with the Registry of Deeds of the disposal of hazardous wastes on the site, pursuant to the M.G.L., Chapter 21C, if applicable

2. Possible hazardous wastes generated

3. Existence of buried gas tanks on site

4. Estimate of potential trash generation and plans for disposal

H. Noise

1. Where appropriate, noise analyses to determine compliance with City of Boston regulations and applicable state and federal guidelines

2. For residential projects, evaluation of ambient noise levels to determine conformance with the Design Noise Levels established by the U.S. Department of Housing and Urban Development.

I. Flood Hazard Zone/Wetlands

1. Where appropriate, determination of whether or not proposal falls within a Federal Flood Hazard Zone or requires a Wetlands Permit

2. If applicable, description of measures to minimize potential flood damage and to comply with city and federal flood hazard regulations and any Order of Conditions issued by the Boston Conservation Commission

J. Construction Impacts

1. Description of construction staging areas

2. Availability of construction worker parking

3. Potential dust generation and mitigation measures to control dust emissions

4. Permits from Air Pollution Control Commission for sand blasting, if appropriate

5. Potential noise impact and measures to minimize noise levels

6. Truck traffic and access routes

7. Pedestrian safety

K. Historical Landmarks

1. Description of the project site location in proximity to a National or Massachusetts Register site or district or Landmark designated by the Boston Landmarks Commission

2. Identification of Boston Landmarks Commission ratings for existing buildings.

3. Possible effects to the National or Massachusetts Register site or district or a Landmark designated by the Boston Landmarks Commission

L. Air Quality

1. Impact on local air quality from additional traffic generated by the project, including identification of any location projected to exceed national or Massachusetts air quality standards

2. Estimation of emissions from any parking garage constructed as part of the project

3. Description and location of building/garage air intake and exhaust systems and evaluation of impact on pedestrians

4. For residential projects, evaluation of the ambient air quality to determine conformance with the National Ambient Air Quality Standards established by the U.S. Environmental Protection Agency.

M. Utility Systems

1. Estimated water consumption and sewage generation from the project

2. Description of the capacity and adequacy of water and sewer systems and an evaluation of the impacts of the project on these systems

3. Identification of measures to conserve resources, including any provisions for recycling

N. Energy

1. Description of energy requirements of the project and evaluation of project impacts on resources and supply

2. Description of measures to conserve energy usage and consideration of feasibility of including solar energy provisions

O. Water Quality

1. Description of impacts of the project on the water quality of Boston Harbor or other water bodies that could be affected by the project, if applicable

2. Description of mitigation measures to reduce or eliminate impacts on water quality

P. Solar Glare

1. Analysis of solar glare impact and solar heat gain analysis, if applicable

VII. Affirmative Housing Plan

Applicants for city-owned land; city, state, or federal funds administered by a city agency; or zoning relief to construct housing may be required to submit an Affirmative Housing Plan and to adhere to fair housing requirements outlined in Appendix 2. The plan should include the following:

A. Description of affirmative marketing techniques

B. Description of owner/tenant selection process

C. Proposed owner/tenant profile indicating number of units dedicated to community residents, minorities, female-headed households, and low-moderate income people

VIII. Employment Plan

Boston Jobs Policy (Appendix 3) requires that publicly-assisted and large-scale private commercial projects hire Boston residents, minorities, and women for construction jobs for 50, 25, and 10 percent respectively of the person-hours worked. In addition, developers may be requested to submit permanent employment plans intended to meet a goal that the profile of permanent employees in the building include Boston residents (50 percent), minorities (30 percent), and women (50 percent). Submission materials may include the following:

A. Estimated number of construction jobs
B. Estimated number of permanent jobs
C. Plan for meeting Boston Resident Construction Jobs Standards
D. Plan for meeting Boston Resident Permanent Jobs Standards
E. Plan for meeting Minority Business Employment Goals of city contracts or state and federal regulations and policies

IX. Public Benefits

A. Development Impact Project exaction, specifying amount and method of linkage contribution (housing payment or housing creation)

B. Increase in tax revenues, specifying existing and estimated future annual property taxes

C. Childcare plan

D. Other public benefits

X. Regulatory Controls and Permits

A. Existing zoning requirements, calculations, and any anticipated zoning requests

B. Anticipated permits required from other local, state, and federal entities with a proposed application schedule

C. For structures in National or Massachusetts Register Districts or sites individually listed on the National or Massachusetts Register of Historic Places, duplicates of parts I and II of the certification documents and applicable correspondence and permits

D. For projects requiring compliance with the Massachusetts Environmental Policy Act (MEPA), copies of the Environmental Notification Form, Certificate of the Secretary of Environmental Affairs, and Environmental Impact Report, if required

F. Other applicable environmental documentation

XI. Community Groups

A. Names and addresses of project area owners, displacees, abutters, and also any community groups which, in the opinion of the applicant, may be substantially interested in or affected by the proposed project

B. A list of meetings proposed and held with interested parties

FEES

The following is a list of fees for development projects. Most fees are not refundable except fees for reviewing developers' proposals for public parcels, which are partially refundable to unsuccessful applicants.

Bid Documents

o Site Preparation Contracts	$ 100
o Property Management Contracts	$ 100
o Operation of Parking Lots	$ 100
o Rehabilitation Documents	$ 100
o Demolition Contracts*	$ 100

Chapter 121A Fees

o Application	$ 5,000
o Amendments of application requiring a hearing and report	$ 3,500
o Amendments of any kind not requiring a hearing	$ 2,500

CARD Project Review Fees

$ 2,500

Developer Kits

$ 0-100
(varies depending on size of site and proposed development)

Developer Proposal Fees

$ 0-7,500
(varies depending on site)

Zoning Commission Fees

o Annual subscription to Zoning Code Amendments	$ 10
o Annual subscription to Zoning Code Amended Pages	$ 10
o Zoning Code Text or Map Amendment Application	$ 225

(Advertising costs will also be paid by proponent and will vary according to length of ad)

Note: Fees for zoning and building code variances and appeals are paid directly to the Board of Appeal.

*Refundable

APPENDICES

Appendix 1
PRO FORMAS

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

COMMERCIAL DEVELOPMENT PROGRAM

TOTAL LAND SQUARE FOOTAGE _____

TOTAL GROSS SQUARE FOOTAGE _____

- Office _____
- Retail _____
- Other (please specify) _____
- Parking (if applicable) _____

TOTAL NET SQUARE FOOTAGE _____

- Office _____
- Retail _____
- Other (please specify) _____

HOTEL DEVELOPMENT PROGRAM

TOTAL LAND SQUARE FOOTAGE _____

TOTAL GROSS SQUARE FOOTAGE _____

- Hotel GSF _____
  - No. Rooms _____
- Parking _____
  - No. Spaces _____

RESIDENTIAL DEVELOPMENT PROGRAM

FORM OF OWNERSHIP
(Rental, Condominium, Cooperative) _____

TOTAL LAND SQUARE FOOTAGE _____

TOTAL UNITS _____

Mix of Units

- Studio _____
- 1 Bed _____
- 2 Bed _____
- Other _____

PARKING _____ spaces

TOTAL GROSS SQUARE FOOTAGE _____ GSF _____ NSF

Average Unit Size				
Studio	_____	GSF	_____	NSF
1 Bed	_____	GSF	_____	NSF
2 BED	_____	GSF	_____	NSF
Other	_____	GSF	_____	NSF

Parking ____ GSF

PF/U

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

COMMERCIAL DEVELOPMENT PRO FORMA

(Estimates in 19__ Dollars)

TOTAL HARD COSTS		$_____
Rehabilitation ($_____/GSF)	$_____	
New Construction ($_____/GSF)	_____	
Parking ($_____/space)	_____	
Site Improvements ($_____/LSF)	_____	
Tenant Improvements	_____	
Office $_____/NSF		
Retail $_____/NSF		
TOTAL SOFT COSTS		$_____
Architect/Engineering	_____	
Marketing/Brokerage/Advertising	_____	
Developer's Fee	_____	
Legal	_____	
Permits & Fees (specify)	_____	
Construction Loan Interest	_____	
(___mos. @___% with average balance of $_____)	_____	
Financing Fees (specify)	_____	
Real Estate Taxes and Linkage during Construction (___ mos.)	_____	
Lease Payment *	_____	
Other Related Costs (specify)	_____	
CONTINGENCY (___% of hard costs)		$_____
TOTAL DEVELOPMENT COST		$_____
Soft Costs as % Hard Costs	_____	
Soft Costs as % Total Development Cost	_____	
Total Development Cost/GSF	_____	

* If applicable

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

COMMERCIAL OPERATING PRO FORMA

(Carry out of 10 years and indicate inflation factor)

COMMERCIAL INCOME		
Office (_____NSF @ $_____/NSF)	$_____	
Retail (_____NSF @ $_____/NSF)	_____	
Parking (attach parking rate structure)	_____	
Other (_____NSF @ $_____/NSF)	_____	
POTENTIAL GROSS INCOME		$_____
VACANCY (___%)		$(_____)
EFFECTIVE GROSS INCOME		$_____
OPERATING EXPENSES		
Office ($_____/NSF)	$_____	
Retail ($_____/NSF)	_____	
Parking ($_____/space)	_____	
Other ($_____/NSF)	_____	
TOTAL		$(_____)
REAL ESTATE TAXES		
Office ($_____/NSF)	$_____	
Retail ($_____/NSF)	_____	
Parking ($_____/space)	_____	
Other ($_____/NSF)	_____	
TOTAL		$(_____)
LINKAGE PAYMENTS		$(_____)
NET OPERATING INCOME		$_____
DEBT SERVICE (___% on $_____for___years)		$(_____)
CASH FLOW		$_____
EQUITY PARTICIPATION (if applicable)		$_____
RETURN ON EQUITY (year of operations 19__) (Before Tax Cash Flow/Equity)		_____%
RETURN ON TOTAL DEVELOPMENT COST (year of operations 19__) (Net Operating Income/Total Development Cost)		_____%

PF/T

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

HOTEL DEVELOPMENT PRO FORMA

(Estimates in 19__ Dollars
Using __% Inflation Factor from 19__)

TOTAL HARD COSTS		$_____
Hotel ($____/NSF)	_____	
per room ($____/room)		
Parking ($/space)	_____	
Site Costs ($____/GSF)	_____	
Office ($____/GSF)	_____	
Retail ($____/GSF)	_____	
Other (specify)	_____	
TOTAL SOFT COSTS		$_____
Architect/Engineering	_____	
Legal	_____	
Accounting	_____	
Marketing/Brokerage	_____	
Financing Fees (specify)	_____	
Developer's Fee	_____	
Construction Loan Interest	_____	
(__ Mos __% on average balance		$_____
of $	_____	
Land Lease Payment *	_____	
Real Estate Taxes and Linkage	_____	
Other Related Fees (specify)		
HOTEL START-UP		$_____
Furniture, Fixtures & Equipment	_____	
Initial Invent. & Working Capital	_____	
Pre-Opening & Opening Costs	_____	
TOTAL START-UP COSTS		$_____
CONTINGENCY COSTS (___% of Hard Costs)		$_____
TOTAL DEVELOPMENT COSTS		$_____
Soft Costs as % Hard Costs	_____	
Soft Costs as % TDC	_____	

* If applicable

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

HOTEL OPERATING PRO FORMA

(Carry out 10 years and include inflation factor)

ROOMS		
Available	_____	
Average Occupancy (___%)	_____	
Average Rate ($_____)	$_____	
REVENUE		
Rooms	$_____	
Food & Beverage	_____	
Telephone	_____	
Rentals	_____	
Parking	_____	
Other	_____	
TOTAL GROSS REVENUE		$_____
Vacancy	_____	
EFF. GROSS REVENUE		($_____)
EXPENSES		
Food & Beverage Costs	$_____	
Payroll & Related	_____	
Telephone	_____	
Other Expenses	_____	
Linkage Payment	_____	
TOTAL ALLOCATED EXPENSES		($_____)
UNALLOCATED EXPENSES		
Admin. & General	$_____	
Management Fee	_____	
Marketing	_____	
Energy Costs	_____	
Property & Maintenance	_____	
Franchise Fees	_____	
Guest Entertainment	_____	
Replacement Reserves	_____	
TOTAL UNALLOCATED EXPENSES		($_____)
TOTAL EXPENSES		($_____)
PROPERTY TAXES & OTHER MUNICIPAL CHARGES (specify)		($_____)
INSURANCE ON BUILDING AND CONTENTS		($_____)
NET OPERATING INCOME		$_____
DEBT SERVICE ___% on $____ for ___yrs.		($_____)
BEFORE TAX CASH FLOW		$_____

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

HOTEL OPERATING PRO FORMA continued

(Carry out 10 years and include inflation factor)

EQUITY PARTICIPATION (if applicable) $_____

RETURN ON EQUITY (year of operations 19__) _____%
(Before Tax Cash Flow/Equity)

RETURN ON TOTAL DEVELOPMENT COST
(Year of operations 19__) _____%
(Net operating Income/Total Development Cost)

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

RESIDENTIAL CONDOMINIUM DEVELOPMENT PRO FORMA

(Estimates in 19__ Dollars)

(Provide phased information where necessary)

TOTAL HARD COSTS		$_____
Condominium Units ($ _____/GSF)	$_____	
Unit Finishes ($ _____/NSF)	_____	
Condominium Parking ($ _____/GSF) (# of spaces)	_____	
Site Costs ($ _____/GSF)	_____	
Premium Costs ($_____/GSF)	_____	
Other (specify)	_____	
TOTAL SOFT COSTS		$_____
Architect/Engineering	_____	
Marketing/Brokerage/Advertising	_____	
Developer's Fee	$_____	
Legal	_____	
Permits & Fees (specify)		
Construction Period Costs	_____	
Construction Loan Interest (_____ mos. @_____ % with average balance of $ _____)	_____	
Financing Fees	_____	
Real Estate Taxes and Linkage during Construction (_____ mos.)	_____	
Sale Period Costs	$_____	
Loan Interest (_____ mos. @ ____% with average balance of $_____)	_____	
Sale Period Real Estate Taxes (_____ mos.)	_____	
Sale Period Operating Expenses	_____	
Other (specify)	_____	
Other Related Costs (specify)	$_____	
CONTINGENCY (____% of $_____)	$_____	
TOTAL CONDOMINIUM DEVELOPMENT COSTS		$_____
Soft Costs as % Hard Costs _____		
Soft Costs as % TDC _____		

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

CONDOMINIUM SALES PRO FORMA
(Estimates in 19__ Dollars)
(Using __% inflation factor from 19__)

CONDOMINIUM UNITS

Gross Sales Proceeds $_____
Gross Condominium Sales/NSF $_____
Less Total Condominium Units Development Cost (_____)
Total Condominium Units Cost/NSF $_____

Net Profit (Before Taxes) _____
Return on Gross Sales Proceeds _____%
(Net Profit/Gross Sales Proceeds)

CONDOMINIUM PARKING SPACES

Gross Sales Proceeds $_____
Gross Parking Sales/Space $_____
Less Total Condominium Parking Development Cost (_____)
Total Parking Cost/Space $_____

Net Profit (Before Taxes) $_____
Return on Gross Sales Proceeds _____%
(Net Profit/Gross Sales Proceeds)

TOTAL SALES

Total Condominium Gross Sales Proceeds $_____
Less Total Condominium Development Costs (_____)

Net Profit (Before Taxes) $_____
Total Return on Gross Condominium Sales Proceeds _____%
(Net Profit/Total Gross Sales Proceeds)

Return on Equity _____%
Equity Participation (Amount and % of
Total Condominium Cost) $_____ (___ %)

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

CONDOMINIUM COST OF OWNERSHIP PRO FORMA

(Estimates in 19__ Dollars)

(Use _% inflation factor from 19__)

Number of Units _____

Average Unit Size (NSF) _____

Average Unit Price $_____

Average Downpayment $_____ (___%)

- Studio _____
- 1 Bed _____
- 2 Bed _____
- Other _____

	Market	Subsidized
Annual Common Area Charges ($_____/NSF)	$_____	$_____
Annual Real Estate Taxes ($_____/NSF)	_____	_____
Annual Mortgage Payment (___% on $_____ for___ years)	_____	_____
Annual Service Charges (please specify membership fees, special services, etc.)	_____	_____
Total Annual Cost of Ownership (Before-tax)	_____	_____
Total Monthly Cost of Ownership (Before-tax)	_____	_____

Project _____ Date _____
Developer _____ Tel. #/Contact Person _____

DEVELOPMENT PRO FORMA FOR RESIDENTIAL RENTAL PROPERTY

(Estimates in 19___ Dollars
Using ___% Inflation Factor from 19___)

RESIDENTIAL UNITS
Number of Residential Units _____

Mix of Units		Average Unit Size (GSF, NSF)	
1 Bed	_____	1 Bed	_____
2 Bed	_____	2 Bed	_____
Other	_____	Other	_____

Number of Parking Spaces _____

SQUARE FOOTAGE

Residential GSF	_____	
Parking GSF	_____	
TOTAL GSF		_____

ACQUISITION	$_____	
CONSTRUCTION COSTS		
Rehabilitation ($_____/GSF)	$_____	
New Construction ($_____/GSF)	_____	
Parking ($_____/space)	_____	
Site Improvements ($_____/Land SF)	_____	
Other	_____	
TOTAL		$_____
RELATED COSTS	$_____	
Architect/Engineering	_____	
Marketing/Brokerage	_____	
Developer Fees	_____	
Miscellaneous Fees	_____	
(Legal, Acctg. Ins., Title)	_____	
Construction Loan Interest		
(___mos. @___% with average balance of $_____)	_____	
Financing Fees (specify)	_____	
Other Related Costs	_____	
(please specify)		
TOTAL		$_____
CONTINGENCY (____% of $ _____)		$_____
TOTAL DEVELOPMENT COST (TDC)		$_____

PAM/D

Project _____ Date _____

Developer _____ Tel. #/Contact Person _____

OPERATING PRO FORMA FOR RESIDENTIAL RENTAL PROPERTY

(Carry out 10 years and indicate inflation factor)

RENTAL INCOME

Rent/Month

1 Bed _____

2 Bed _____

Other _____

TOTAL RESIDENTIAL INCOME $_____

PARKING INCOME (attach parking rate structure) $_____

MISCELLANEOUS INCOME (e.g., Laundry) $_____

POTENTIAL GROSS INCOME $_____

VACANCY (____%) ($_____)

EFFECTIVE GROSS INCOME $_____

OPERATING EXPENSES

Residential ($_____/NSF) $_____

Parking ($_____/space) _____

TOTAL OPERATING EXPENSES ($_____)

REAL ESTATE TAXES

Residential ($_____/NSF) $_____

Parking ($_____/space) _____

TOTAL REAL ESTATE TAXES ($_____)

BRA BASE RENT * ($_____)

NET INCOME AVAILABLE FOR DEBT SERVICE $_____

FINANCING **

Debt Service (____% on $_____for___yrs.) ($_____)

CASH FLOW $_____

EQUITY PARTICIPATION (if applicable)

(Amount and % of Total Development Cost) $_____

RETURN ON EQUITY _____%

(Cash Flow/Equity)

RETURN ON TOTAL DEVELOPMENT COST _____%

(Net Income Available/Total Development Cost)

* If applicable

** Specify type and priority of repayment

Appendix 2
FAIR HOUSING REQUIREMENTS

Recognizing that underrepresentation of minorities or female heads of households in a particular neighborhood may itself discourage interest among those groups from living in that neighborhood, the city will undertake affirmative marketing efforts to ensure that the city's minorities and female heads of households have access to housing throughout the city.

These efforts will apply to all projects of five or more units (rental and home ownership projects) which receive exceptions to zoning requirements from the Boston Zoning Commission and those that receive any form of city financial assistance, or state or federal assistance which is administered by the city. Financial assistance shall include the donation or sale or city-owned land to facilitate the project.

Interagency Procedures

a. When an application for one or more of the following is received: (i) city-owned land; (ii) city, state or federal funds administered by a city agency; or (iii) zoning exception for the development of a housing project, the appropriate city agency shall notify the Boston Fair Housing Commission within thirty (30) days of receipt of the application.

   The BFHC shall review the compliance record, if any, of all applicants. If the record shows that an applicant has unresolved issues of non-compliance, the Commission shall attempt to resolve these issues in accordance with its mediation and hearing procedures. In those cases where a compliance agreement cannot be reached, the BFHC shall recommend to the Mayor and the appropriate agency that the application be rejected. Where the applicant has received city land, or other city benefits, and has not complied with fair housing requirements, the Commission shall recommend to the Mayor and to the administering agency that the applicant be denied an occupancy permit for the project.

b. The appropriate city agency shall advise developers of affirmative marketing requirements through program designs, Requests for Proposals and other forms of communication. Additionally, affirmative marketing requirements shall be specified in all housing and housing development contracts awarded or administered by city agencies.

c. The BFHC shall assist the appropriate agency in developing project specific affirmative marketing plans.

d. Developers shall be required to sign a non-discrimination statement.

e. The BFHC shall monitor implementation of each affirmative fair housing market plan.

f. The BFHC shall submit to the Mayor an annual report summarizing affirmative marketing efforts and accomplishments.

Elements of Affirmative Marketing Plan

a. Outreach Housing Efforts

Each developer, including city agencies, will be required to:

(i) advertise availability of housing in majority and minority newspapers;

(ii) send outreach letters to housing counselling agencies which assist low-moderate income families and minorities;

(iii) undertake such additional efforts as may be required, due to the specific nature, or location of the project.

b. Neighborhood Preferences

To stabilize neighborhoods and mitigate the effects of displacement/ gentrification, up to 70% of available affordable housing units may be targeted by a developer for neighborhood residents. This policy will work to prevent the gentrification of minority neighborhoods since a substantial proportion of city-owned land which will be used to produce affordable housing is located in minority neighborhoods. However, developers may not exclude people from other neighborhoods from applying and competing for all units. Plans for tenant selection where neighborhood preference is a criterion shall be approved by the BFHC.

c. Measures for Compliance

A developer who has taken every step outlined in a city-approved affirmative marketing plan shall be able to proceed with completion of his/her project. Compliance shall be determined by the BFHC. A developer who has not adequately complied with a city-approved marketing plan, however, shall be required to conduct additional outreach and/or may be subject to pre-determine remedies.

Appendix 3

BOSTON JOBS POLICY

1. Boston Resident Jobs Policy

Chapter 30 of the Ordinances of 1983 established a Boston Resident Jobs Policy. The 1983 ordinances requires contractors performing work on construction projects funded in whole or in part by the city or to which the city administers to ensure 50% Boston resident, 25% minority and 10% female participation of the total construction workhours performed on the project. To ensure compliance with these requirements, the City of Boston Supplemental Minority Participation and Resident Preference Contract provisions are included in all contracts for construction projects covered by the Ordinance. This contract supplement delineates the contractor's compliance obligations and a description of the city's monitoring and enforcement of the policy.

2. Executive Order Extending Jobs Policy

The July 12, 1985 Executive Order extends the Resident Jobs Policy ordinance to cover privately financed construction projects in excess of 100,000 square feet (excluding housing developments). The Executive Order includes the same hiring requirements and requires each developer to submit a detailed employment plan with provisions for monitoring, compliance and sanctions. The submission of the Boston Residents Construction Employment Plan is a required submission prior to the issuance of a building permit for the project.

3. Permanent Jobs Policy

The city has initiated a permanent jobs policy which requires developers receiving city assistance (i.e., loans, land or building acquisitions, lease agreements or licenses) for projects which are expected to generate permanent job opportunities, to enter into an employment agreement with the city. These agreements typically include the provisions for 50% Boston resident, 30% minority, and 50% female hiring in all new jobs generated and for the advanced notification of job opportunities to the city and/or community based organizations. Additional commitments negotiated through these agreements include financial contributions for job training and affirmative action activities. The city has begun negotiations with the developers for the privately financed projects to discuss similar types of permanent job agreements.

Appendix 4

MASS. ENVIRONMENTAL POLICY ACT REVIEW AUTHORITY

The Massachusetts Environmental Policy Act (MEPA) requires the review and evaluation of projects to describe their environmental impact and establishes a process for determining when Environmental Impact Reports (EIRs) are required. MEPA applies to projects directly undertaken by a state agency (including leases and transfers of property undertaken by an agency) and to privately-initiated projects requiring an agency permit or receiving financial assistance from an agency. Because the BRA is a redevelopment authority created by the Legislature, it falls under the jurisdiction of MEPA. Where the BRA acts only as the planning department for the city, such as in zoning matters and the disposition of city-owned land, MEPA does not apply.

Regulations implementing MEPA were promulgated by the Executive Office of Environmental Affairs (EOEA), which is also responsible for determining whether a project requires an EIR. These regulations establish a process whereby, for non-exempt projects, an Environmental Notification Form (ENF) is required to be filed with EOEA for public and agency review as the preliminary step in determining the need for an EIR. For activities or actions undertaken by an agency, the preparation of the ENF (and of the EIR, if subsequently required) is the responsibility of the agency itself. For private projects seeking state or BRA financial assistance or a permit (e.g., Chapter 121A approval), the project proponent is responsible for preparing the required documents.

In addition to describing the environmental review process, the MEPA regulations also establish categories of projects which automatically require the preparation of an EIR (categorical inclusions) and which are automatically excluded from filing an ENF (categorical exclusions). Specific rules of application are included in the regulations.

With respect to timing, the public/agency review period for ENF's is 20 days following publication in EOEA's Environmental Monitor of a notice of submission and availability of an ENF. Notices are published twice monthly, on approximately the 7th and the 21st of the month. The Secretary of Environmental Affairs then has 10 days in which to issue a certificate stating whether or not an EIR is required.

If an EIR is required, the process involves the preparation and circulation for review of a Draft EIR (the public/agency review period is 30 days following EOEA notice of availability of the EIR, with seven additional days for the Secretary to issue a statement on the adequacy of the Draft), preparation of the Final EIR responding to comments on the Draft, and circulation of the Final (again, a 30-day review period followed by seven days for the Secretary to issue a statement regarding the adequacy of the Final and its compliance with MEPA). Normally, the EIR process from beginning of the preparation of the EIR to final approval takes five to six months and considerably longer for major and complicated projects. The minimum time would be at least four months.

M E M O R A N D U M SEPTEMBER 25, 1986

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: SUSAN ALLEN, ASSISTANT DIRECTOR FOR
DEVELOPMENT AND URBAN DESIGN
LINDA BOURQUE, DIRECTOR OF ZONING
PAM WESSLING, PROJECT COORDINATOR

SUBJECT: 21 CUSTOM HOUSE STREET ZONING RECOMMENDATION
AND AUTHORIZATION TO ENTER INTO A HOUSING
AND EMPLOYMENT AGREEMENT

Jaymont (U.S.A.) Incorporated proposes to construct a new office building at 21 Custom House Street. The project, approximately 90,000 gross square feet, will include 85,000 square feet of office space and 5,000 square feet of ground floor retail space. Sited on 10,468 square feet of land in the historic Custom House District, the project will consist of 10 stories, the top floor of which will house a combination office/mechanical penthouse. The building will rise to a parapet setback at 101.5 feet; total height will be 120 feet.

The project will include two levels of subsurface parking to accommodate 47 cars. Service, parking, and delivery to the project will occur off Franklin Street. The project is designed to allow internal maneuvering of trucks in order to minimize impacts on pedestrians.

In addition to improving adjacent sidewalks, the developer proposes to undertake significant streetscape improvements including lighting, benches, trees, and new paving materials on Custom House Street.

Construction of the project is scheduled to begin at the end of the year with project completion anticipated in the summer of 1988.

Jaymont (U.S.A.) Incorporated is also constructing an office building at 20 Custom House Street, a Development Impact Project which was approved by the Authority on May 15, 1986. The architect for both projects is Bruner/Cott Associates, Inc.

It is estimated that approximately 190 construction jobs will be generated by the construction of 21 Custom House Street. Upon completion 21 Custom House Street will house approximately 370 permanent employees. The developer will submit a Resident Construction Employment Plan and an Employment Opportunity Plan.

The developer also proposes to enter into an agreement to increase the supply of affordable housing in Boston. Under the terms of the attached agreement, the developer will contribute $225,000 to help provide housing for homeless people in Boston.

The developer has submitted acceptable schematic plans for the project. Several meetings have been held with the owners of the adjacent Grain Exchange to allow the abutters an opportunity to review and comment on the schematic design. The developer has also submitted a Transportation Access Plan which is currently under review by the City of Boston's Traffic and Parking Department and BRA staff. Final project approval is contingent upon the developer's commitment to an Access Plan acceptable to the Director and on submission of acceptable design development plans and contract documents.

The project is located in a B-10 Zoning district and requires relief from the Boston Zoning Code for the following:

Conditional Use Permit: Parking, retail, and restaurant activities require a conditional use permit in this zone. These uses are encouraged for this project.

Parapet Setback: A minimum variance is required for the parapet setback on Franklin Street. To respect the architecturally significant Grain Exchange building on India Street, a small portion of the mass of the proposed development was shifted toward the less sensitive facade on Franklin Street.

The developer has also requested that the Board of Appeal determine that the proposal is not subject to Article 28. That amendment to the Zoning Code establishes the Boston Civic Design Commission and vests the Commission with the Authority to review the schematic design of certain categories of development proposals. The Authority reviewed and approved schematic plans for both 20 and 21 Custom House Street prior to the constitution adoption of Article 28. Because of this, we recommend that the Board of Appeal make an interpretation that the provisions of Article 28 are not applicable to projects which received schematic approval prior to the adoption of Article 28.

L9/N

We, therefore, recommend the following:

VOTED: That the Authority hereby authorizes the Director to execute, in the name and on behalf of the Authority, a Housing and Employment Agreement with the developer of 21 Custom House Street substantially in the form attached hereto, with such changes as the Director of the Authority deems appropriate and in the best interest of the Authority; and further

VOTED: That in reference to petition Z-9029, brought by Jaymont Properties, Inc. for variances consistent with schematic plans submitted to the Authority for 21 Custom House Street, Boston, the Boston Redevelopment Authority recommends approval of the requests for a conditional use permit and for a variance from parapet setback requirements, provided that the final design plans and a Transportation Access Plan are approved by the Director of the Authority; and further

VOTED: That in reference to petitions Z-9028-9029, brought by Jaymont (U.S.A.) Incorporated for variances and conditional use permits for proposals to develop 20 and 21 Custom House Street, the Boston Redevelopment Authority recommends that the proposals are not subject to Article 28 and requests that the Board of Appeal make an interpretation to the effect that projects which have received schematic approval from the Authority prior to the adoption of Article 28 not be subject to review by the Boston Civic Design Commission.

Bruner/Cott

Bruner/Cott & Associates, Inc.
301 Vassar Street
Cambridge, Massachusetts 02139
617 492 8400

Architecture/Urban Design/Space Planning

Jaymont Properties

Milk and Broad Street Development
Boston, Massachusetts

No. 21 Custom House Street

title: Neighborhood Plan

EXHIBIT A

scale: 1" = 40'-0" date: March, 1986

number: 1

BOSTON PRESERVATION ALLIANCE

August 7, 1986

Mr. Dudley Malone
Jaymont Properites
260 Franklin Street
Boston, MA 02109

RE: 20 and 21 Custom House Street

Dear Dudley:

Thank you for bringing the Boston Preservation Alliance's Design Review Team up to date on the progress of your project at 20 and 21 Custom House Street.

We were interested in viewing the alternative design for the project, however, we agreed unanimously that the original design was by far superior and more sensitive to it's historic surroundings. The distinctiveness of the original design is compatible with the surrounding Bulfinch buildings in particular.

We do have several recommendations regarding the detailing as we discussed:

1. The two differing palates of granite for the exterior cladding give the buildings a more distinct appearance which is appropriate for the area.

2. We recommend that you deepen the recess of the windows on both buildings to create a stronger shadow and, therefore,add to the articulation of the facade.

3. Copper cladding on the penthouse structures would be an appropriate and classic finish.

4. The appropriate treatment for the roofs of the low-rise base portions of the new buildings is slate. This treatment is compatible with the Bulfinch buildings.

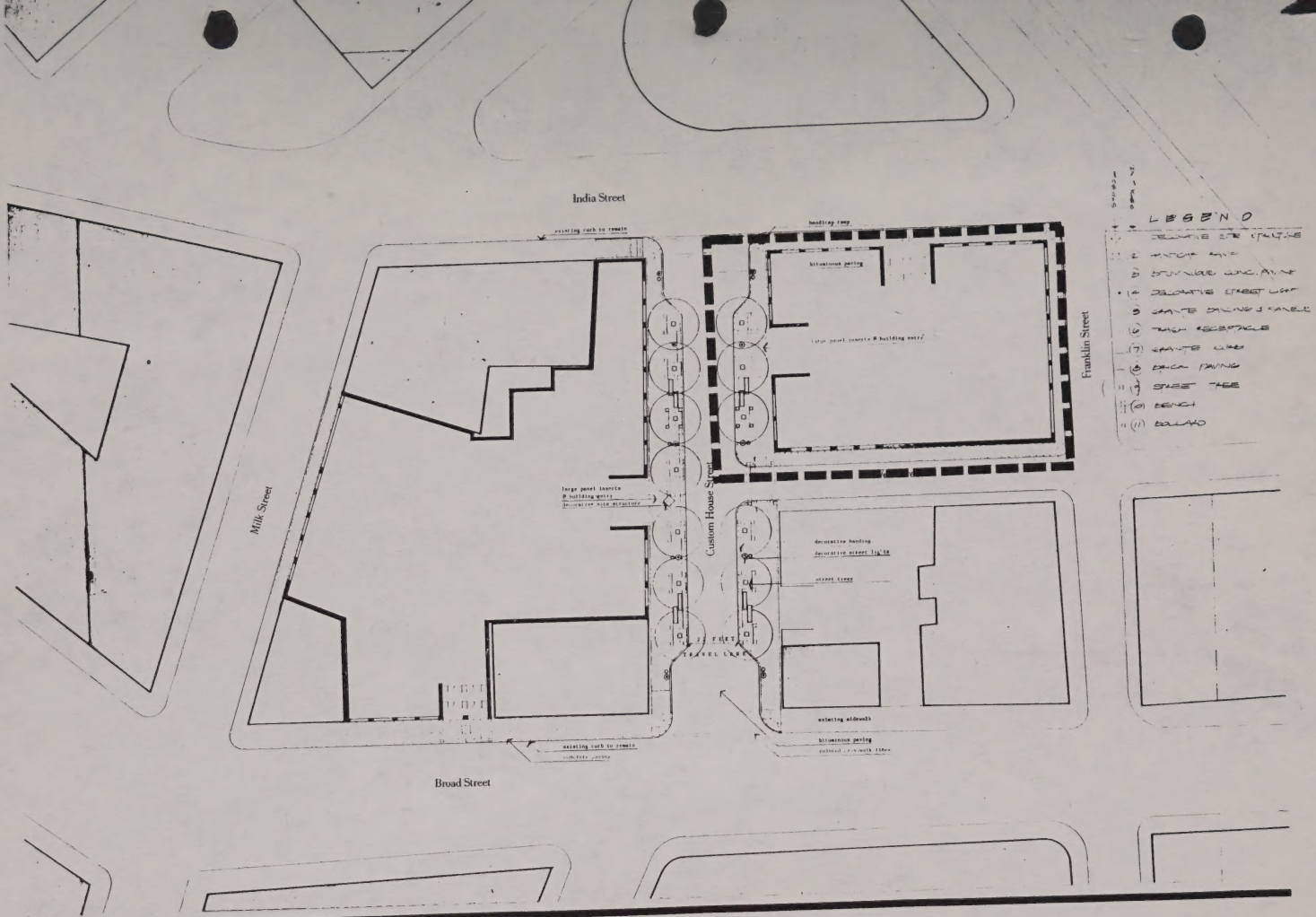
We look forward to continued discussion with you on this exciting project.

Sincerely,

Susan Park
Chairman

cc: Stephen Coyle, Dir.,BRA
Robert Beal, Pres.,Beal Companies
S. Dell Mitchell, AIA, Perry Dean Rogers & Partners
Paul Reavis, AIA,BRA

Old City Hall, 45 School Street, Boston, Massachusetts 02108 Telephone 617 367-2458



Bruner/Cott

Bruner/Cott & Associates, Inc.
30 Vassar Street
Cambridge, Massachusetts 02139
617 492 8400

Architecture/Urban Design/Space Planning

Jaymont Properties

Milk and Broad Street Development
Boston, Massachusetts

No. 21 Custom House Street

title: Site Plan

BOUNDARY SITE IMPROVEMENTS EXHIBIT B

scale: 1/16" = 1'-0" date: March, 1986

number: 3